

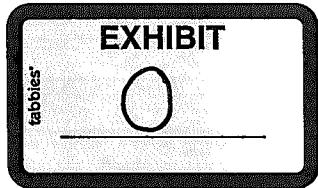
1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF MASSACHUSETTS

4 ARY JEWELERS, LLC, )  
5 Plaintiff, )  
6 vs. ) No. C.A. No. 04  
7 IBJTC BUSINESS CREDIT ) CV 10281EFG  
8 CORP. AND DAVID MOLINARO, )  
9 Defendant. )  
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10  
11  
12 DEPOSITION OF ABDUL RAZZAK  
13 New York, New York  
14 Tuesday, May 10, 2005

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18  
19  
20  
Reported by:  
21 NANCY SILBERGER  
JOB NO. 173087

22  
23  
24  
25



1  
2 May 10, 2005  
3 10:00 a.m.  
4  
5 Deposition of ABDUL RAZZAK, held at  
6 the offices of Ropes & Gray, 45  
7 Rockefeller Plaza, New York, New York,  
8 pursuant to Notice, before NANCY  
9 SILBERGER, a Notary Public of the State  
10 of New York.

1  
2 IT IS HEREBY STIPULATED AND AGREED,  
3 by and between counsel for the  
4 respective parties hereto, that the  
5 filing, sealing and certification of the  
6 within deposition shall be and the same  
7 are hereby waived;

8 IT IS FURTHER STIPULATED AND AGREED  
9 that all objections, except as to the  
10 form of the question, shall be reserved  
11 to the time of the trial;

12 IT IS FURTHER STIPULATED AND AGREED  
13 that the within deposition may be signed  
14 before any Notary Public with the same  
15 force and effect as if signed and sworn  
16 to before the Court.

17  
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19  
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22  
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24  
25

1  
2 APPEARANCES:

3  
4 THE CARRIGAN LAW FIRM, L.L.P.  
5 Attorneys for Plaintiff  
6 1331 Lamar, Suite 1550  
7 Houston, Texas 77010  
8 BY: STEPHEN P. CARRIGAN, ESQ.  
9  
10 ROPES & GRAY  
11 Attorneys for Defendants  
12 45 Rockefeller Plaza  
13 New York, New York 10111  
14 BY: ROBERT S. FISCHLER, ESQ.

15  
16 ALSO PRESENT:

17 Alyas Bhatti, Indian Translator  
Interspeak Translations  
18 114 East 32nd Street, NY 10018  
(212) 679-5084

19 Muhammad Jafed  
20 Anwar Qadeer

Page 3

Page 5

1  
2 A L Y A S B H A T T I , the Indian  
3 interpreter swears to translate from English  
4 to Indian and Indian to English to the best  
5 of his ability.

6  
7 A B D U L R A Z Z A K , called as a witness,  
8 having been duly sworn by a Notary Public,  
9 was examined and testified as follows:

10 EXAMINATION BY

11 MR. FISCHLER:

12 Q. Please state your name for the  
13 record.

14 A. Abdul Razzak.

15 Q. Please state your address for the  
16 record.

17 A. P.O. Box 1123, Dubai, U.A.E.

18 Q. Good morning, Mr. Razzak. Is that  
19 the name that you go by, Mr. Razzak?

20 A. Abdul Razzak.

21 Q. May I call you Mr. Razzak; would  
22 that be appropriate?

23 A. I would agree if you call me Abdul  
24 Razzak.

25 Q. My name, as you know, is Robert

2 (Pages 2 to 5)

1  
 2 Fischler, and I represent the defendants in  
 3 the lawsuit, ARY Jewelers LLC versus IBJTC  
 4 Business Credit Corp., and David Molinaro.  
 5 I'm going to ask you some questions today  
 6 about the case, and if anything I ask you is  
 7 unclear, please ask me to repeat it and I'll  
 8 be happy to do that.

9 A. Yes.

10 Q. Is that okay?

11 A. Yes.

12 Q. Do you speak English at all?

13 A. I can speak businessman's English,  
 14 but I am not well-educated in that.

15 Q. Are you familiar with a business  
 16 known as the ARY Group?

17 A. Yes, I am.

18 Q. What is your position in the ARY  
 19 Group?

20 A. Different places I have different  
 21 position. Which place you are asking for?

22 Q. Well, I have seen you described as  
 23 the chairman of the ARY Group; are you the  
 24 chairman?

25 A. Yes.

1  
 2 excess of 1.1 billion dollars U.S.; is that  
 3 accurate?

4 A. They are different. I cannot tell  
 5 you the exact figure because it's -- there  
 6 are variations in there.

7 Q. Has the ARY Group ever had annual  
 8 revenues in excess of one billion dollars  
 9 U.S.?

10 A. Revenue has never been one billion  
 11 dollars. Annual profit has never been one  
 12 billion.

13 Q. I'm not asking about profit. I'm  
 14 asking about revenue.

15 A. It can be more than that because we  
 16 have in different countries, like in  
 17 Pakistan, in Dubai and England, and America,  
 18 also.

19 Q. In 2004, approximately what were  
 20 the revenues of the ARY Group of companies?

21 A. I can see the balance sheet and  
 22 then tell you.

23 Q. As the chairman of the group, do  
 24 you know, approximately, the revenues or  
 25 sales of the company for 2004?

1  
 2 Q. What is the ARY Group; what  
 3 business is it in?

4 A. We deal in silver and gold and  
 5 property, gold refinery, and we are also a  
 6 television channel.

7 Q. Are there separate companies within  
 8 the group for each of the businesses you just  
 9 named?

10 A. They are in different names.

11 MR. FISCHLER: Different companies.

12 THE INTERPRETER: Different  
 13 companies.

14 Q. I have seen the ARY Group described  
 15 as a family-owned business; is that correct?

16 A. Yes.

17 Q. What is your ownership interest in  
 18 the ARY Group of companies?

19 A. I am the main person, as I am the  
 20 chairman of the group.

21 Q. Are you involved in the operations  
 22 of the companies within the group?

23 A. Yes, I am.

24 Q. I have seen materials on the  
 25 Internet that the ARY Group has sales in

1  
 2 A. In 2004, we have done a lot of  
 3 jobs, and after we finish the work, then I  
 4 can say how much is worth. Approximately,  
 5 it's from 400 to 500 million profit, which is  
 6 dirhams, D-I-R-H-A-M-S.

7 Q. Do you know, approximately, how  
 8 much profit that translates into in U.S.  
 9 dollars?

10 A. Almost 150 million dollars.

11 Q. How much of the ARY Group is owned  
 12 by you and your family members?

13 A. Nobody is from outside. Is hundred  
 14 percent family-owned.

15 Q. Does the ARY Group have business  
 16 interests in the United States presently?

17 A. Not right now. It's small. Not  
 18 particularly -- it's small, but not  
 19 significant, not big one.

20 Q. What business is the ARY Group  
 21 conducting in the United States?

22 A. It's gold -- I deal in gold.

23 Q. Did the ARY Group attempt to  
 24 purchase a business in the United States  
 25 known as Krigel's Jewelers at some point in

1  
2 time?  
3 A. No, we did buy it.  
4 Q. Are you saying that the ARY Group  
5 bought Krigel's?  
6 A. Yes.  
7 Q. When did that occur?  
8 A. It was around 2001.  
9 Q. When you say that the ARY Group  
10 bought Krigel's, do you mean that it signed a  
11 contract to buy the business?  
12 A. Yes.  
13 Q. My understanding is that ARY Group  
14 did not actually purchase the business; am I  
15 incorrect in that?  
16 A. Not right.  
17 Q. I'm not right?  
18 A. Right.  
19 Q. Does the ARY Group currently own  
20 Krigel's?  
21 A. No.  
22 Q. Did it ever own Krigel's?  
23 A. The deal was not finalized.  
24 Q. Do you know a Mr. Gohar Hussein?  
25 A. Yes.

1  
2 behalf of the ARY Group?  
3 A. No.  
4 Q. What did Mr. Hussein do concerning  
5 the ARY Group's attempt to purchase Krigel's?  
6 A. He was in between, as a bridge,  
7 just to make that deal.  
8 Q. Did he negotiate with Mr. Krigel?  
9 A. Yes, he did arrange meeting him.  
10 Q. Were you personally involved in  
11 negotiating the contract that was signed?  
12 A. Yes.  
13 Q. With whom did you negotiate?  
14 A. I don't remember the name of the  
15 owner, but I dealt with him. His name is  
16 kind of English. I don't remember that.  
17 Q. Was it Scott Krigel?  
18 A. Yes, Scott Krigel.  
19 Q. Did you negotiate with Mr. Krigel  
20 before the agreement was signed?  
21 A. I did it before and after that,  
22 also.  
23 Q. Is it your recollection that  
24 Mr. Hussein signed the agreement on behalf of  
25 ARY?

Page 11

1  
2 Q. Who is he?  
3 A. In the beginning, he was a manager.  
4 Q. Was he a manager of a company that  
5 was set up by the ARY Group in the United  
6 States?  
7 A. Yes.  
8 Q. And was that company set up for the  
9 purpose of purchasing Krigel's?  
10 A. Yes.  
11 Q. Was Mr. Hussein employed by the ARY  
12 Group?  
13 A. It was just -- you can understand,  
14 it's a simple kind of a negotiation. It  
15 happened, but it was not finalized.  
16 Q. Do you have a current relationship  
17 with Mr. Hussein?  
18 A. No.  
19 Q. When is the last time you spoke  
20 with him?  
21 A. It was a year before, when he came  
22 to Dubai.  
23 Q. A year ago from now?  
24 A. Yes.  
25 Q. Is Mr. Hussein currently working on

Page 13

1  
2 A. Yes.  
3 Q. Did ARY put money into an escrow  
4 account at the time the agreement was signed?  
5 A. Yes.  
6 Q. What was the source of that money?  
7 A. From Dubai.  
8 Q. Can you be more specific? What or  
9 who from Dubai provided the money?  
10 A. It was sent by ARY Group.  
11 Q. Do you recall the price that ARY  
12 agreed to pay to purchase Krigel's?  
13 A. I can't remember right now, but  
14 whatever the terms and conditions were, I  
15 fulfilled it.  
16 Q. Could ARY have paid cash to  
17 purchase Krigel's if it wished to do so?  
18 A. No. Everything came officially by  
19 remittance from Dubai.  
20 MR. QADEER: Bob, could we go off  
21 the record for a second?  
22 (Discussion held off the record.)  
23 Q. Could we repeat the question? The  
24 question is: If the ARY Group wished to pay  
25 cash for Krigel's, could it have done that?

4 (Pages 10 to 13)

1  
2 A. As I said before -- now the  
3 question is clear. Whatever we've done, the  
4 commitment, we completed that.

5 Q. I understand, but my question is  
6 something different. What I'm trying to  
7 learn is, if ARY wished to pay, could --

8 A. The promise I made, I have  
9 fulfilled that, and now it was their duty to  
10 follow the terms and conditions as it was in  
11 there.

12 Q. How much cash did the ARY Group  
13 have in -- at the time the agreement with  
14 Krigel's was signed?

15 A. One point five million. We have  
16 sent it, and after that there was supposed to  
17 be second repayment. The leftover payment,  
18 we have already sent there and it was laying  
19 in Kansas City.

20 Q. Okay. I understand all that.  
21 Again, my question is something different.  
22 I'm trying to understand whether  
23 ARY had the financial ability, if it wished,  
24 to pay cash for the business?

25 A. In business, it's always planning.

1  
2 I can pick up the phone right now, and if you  
3 want to buy ten million dollars worth of  
4 gold, I can lend.

5 Q. If I wish to buy 20 million dollars  
6 worth of gold, could you lend me the money  
7 for that?

8 A. Being it all happens with the  
9 person comes from the street, that cannot be  
10 done.

11 Q. If a person with an acceptable  
12 background came to you, would the ARY Group  
13 have the financial capability to do that?

14 A. If there's a marginal profit in the  
15 deal, then it can be done.

16 Q. Was that true in 2001, as well?

17 A. Yes, with the grace of God.

18 Q. How did ARY determine how much it  
19 was willing to pay for Krigel's?

20 A. The main thing is that it was a  
21 running business. And any new person, if he  
22 goes into the new business just to kill the  
23 time, overlooking all the matters, then we  
24 put the price.

25 Q. I don't understand the reference to

1  
2 And with this -- in this planning, it was  
3 decided a portion of it was -- we'll give it  
4 to them, and the rest of the portion will be  
5 from the bank.

6 Q. If ARY wished to plan to pay in  
7 cash and not to obtain outside financing,  
8 could it have done that?

9 A. But he -- when it was the -- there  
10 was terms and conditions. We have complied  
11 with that.

12 Q. Was ARY in a position to pay cash  
13 for the business if it wished to do so?

14 A. It was in a position. We didn't  
15 have only one business. It's in different  
16 countries and there are different  
17 commitments, and we have to fulfill all the  
18 commitments.

19 Q. Are you aware that Mr. Hussein told  
20 others that ARY could have paid cash for  
21 Krigel's if it wished to do so?

22 A. No, I don't know. I just want to  
23 add one thing. The person who's dealing in  
24 gold anywhere in the world, it's verbally and  
25 it's a promise which carries on the business.

Page 15

Page 17

1  
2 killing time. Could he explain that?

3 A. Like coming to this country, then  
4 I'll start from one, and if I have to reach  
5 to 20, how much time it will take. Killing  
6 time means that.

7 Q. Do you mean that you would start  
8 with one jewelry business and build to 20; is  
9 that what you are saying?

10 A. Yes. What I meant was, it was both  
11 a chain and if the chain was ready in that  
12 case.

13 Q. Who gave Mr. Hussein the authority  
14 to sign the agreement on behalf of ARY?

15 A. It happened on that very day. I  
16 had a fever and I was in Houston. I had my  
17 seat confirmed to leave there, but doctor  
18 advised me not to travel, so I asked him to  
19 sign.

20 Q. So you authorized Mr. Hussein to  
21 sign the agreement; is that true?

22 A. Only for that occasion.

23 Q. How did you determine that the  
24 price in the agreement was acceptable?

25 A. My life, I've been dealing in this

1  
2 business and I have spent my life in it. I  
3 was born in gold. I was born in gold.  
4 Q. Did you conduct any financial  
5 analysis of the price?

6 A. You can well understand that God  
7 has given us the eyes and understanding that  
8 once I can see, than I can make a judgment  
9 out of that.

10 For example, I tell you this: I  
11 have done the business with the German and  
12 exported six hundred tons of silver. And I  
13 told them this is the purity by watching the  
14 eye only. It was correct. My judgment was  
15 correct, and they came and they gave me the  
16 regard of about that. The purity which I  
17 mentioned to them.

18 Q. Did you analyze how much profit ARY  
19 would earn in the first year?

20 A. It's not a matter of one year, but  
21 I worked out for two years and it was that  
22 whatever I invest will come out of it. In  
23 two years, profit is 20 million. I will get  
24 the 20 million back, like ten million for  
25 each year.

1  
2 A. I don't remember right now.  
3 Q. Do you recall the name Foothill  
4 Capital in connection with the Krigel's  
5 transaction?  
6 A. They financed it. You want to  
7 repeat the question?  
8 Q. What do you remember of Foothill  
9 Capital?

10 A. It was like that, the financer of  
11 Krigel was the same. The way they had  
12 financed the Krigel's, they were going to  
13 finance ARY, also. It was between Krigel's  
14 and ours.

15 Q. Did you ever meet with any  
16 representative of Foothill Capital?

17 A. Yes, I remember.

18 Q. When was the first time that you  
19 had --

20 A. I don't remember the first time.  
21 The first time they came to Cincinnati to see  
22 me, and later in Ohio.

23 Q. Were you aware that Mr. Hussein had  
24 discussions with one of the defendants in  
25 this case, IBJ, about providing financing for

Page 19  
1  
2 Q. So you believed that you would  
3 break even after two years; is that correct?  
4 A. Breaking means there will be no  
5 profit, but I meant there will be a profit.  
6 Q. How much cash was the ARY Group  
7 required to put into the business under the  
8 agreement that was signed?  
9 A. I have to see, but I have completed  
10 my promise already.  
11 Q. That's not the question.  
12 A. Your question to me how much I was  
13 going to invest in that?  
14 Q. How much cash, yes.  
15 A. It was about cash.  
16 Q. I want to know if he remembers how  
17 much cash ARY would be putting into the  
18 business under the agreement that was signed.  
19 A. I'm asking the same thing. That's  
20 what I'm saying, that whatever I made, the  
21 commitment, it was laying in the bank and  
22 I've completed that.  
23 Q. Do you remember that the agreement  
24 had a provision concerning financing by  
25 Krigel's lender?

Page 21  
1  
2 the Krigel's deal?  
3 A. Yes. I was told by him there is  
4 better terms which we can get from other  
5 place, and I discussed with them.  
6 Q. At some point, did the opportunity  
7 to get better terms from the other place no  
8 longer exist?  
9 A. Yes.  
10 Q. And was it before that or after  
11 that, that you had your first meeting with  
12 Foothill?  
13 A. It was after that.  
14 Q. Who did you meet with from  
15 Foothill?  
16 A. I don't remember the name. There  
17 were two guys from the key posts, they are  
18 the key posts. And then one came and met me  
19 in Houston, and I went one time to Boston.  
20 Q. Did you tell them that you wanted  
21 Foothill to continue financing on the same  
22 terms that had been provided previously?  
23 A. Yes.  
24 Q. Did they say that they would do  
25 that?

1  
2 A. They didn't say no, they didn't say  
3 yes.

4 Q. Did they say yes or no at some  
5 point?

6 A. Yes -- well, they did not tell me,  
7 but they did tell Krigel, that Scott, because  
8 for this very reason he took me to Boston.  
9 That I can meet the party and see the  
10 outcome.

11 Q. Did you meet with Foothill in  
12 Boston?

13 A. Yes.

14 Q. And at that time were you told that  
15 Foothill would not continue financing on the  
16 same terms?

17 A. No, I was never told. Because  
18 there was no direct terms and conditions with  
19 them, because I had the dealing with the  
20 other, as I have made the deal with them --  
21 agreement.

22 Q. Did Mr. Krigel tell you that  
23 Foothill would not continue financing on the  
24 same terms?

25 A. Yes. And after that, the terms and

1  
2 are acceptable to you. That's what he said.  
3 Q. Did Mr. Hussein tell you that he  
4 was negotiating with other banks in addition  
5 to Foothill?

6 A. Actually, he used to talk different  
7 things at different times, so it was of no  
8 use to rely on him.

9 Q. Did he tell you that if you  
10 accepted Foothill's terms that a new lender  
11 on more favorable terms could quickly be  
12 substituted for Foothill?

13 A. It's not like this. Everybody has  
14 their own planning. I am the beneficiary --  
15 manufacturer myself. Why should I get from  
16 somebody who have the high price?

17 Q. My understanding is that the  
18 agreement with Krigel's was signed in  
19 November of 2000; is that correct?

20 A. I cannot remember every date  
21 exactly.

22 Q. Did Mr. Hussein report to you that  
23 he spoke to Foothill, at that time,  
24 concerning the willingness of Foothill to  
25 continue financing on the same terms?

1  
2 conditions they offered was not acceptable at  
3 all.

4 Q. If Foothill had offered to continue  
5 financing on the same terms, would that have  
6 been acceptable to you?

7 A. Hundred percent why I come over  
8 here.

9 Q. Did Mr. Hussein recommend to you to  
10 accept the terms that Foothill was proposing?

11 A. No. He was not my boss. It was a  
12 discussion and a decision we're going -- it  
13 was me who was to accept it.

14 Q. I understand that. My question is:  
15 Did Mr. Hussein suggest or recommend to you  
16 that you accept it?

17 A. No. He was working person. He  
18 cannot suggest to me.

19 Q. Do you recall him giving you advice  
20 concerning the financing that was offered by  
21 Foothill?

22 A. You're talking after or before?

23 Q. I'm talking about before you made  
24 the decision to reject the Foothill terms.

25 A. All he said, that if these terms

Page 23

Page 25

1  
2 A. In the start it was. That's why  
3 the agreement was done.

4 Q. Did he tell you, at that time, that  
5 Foothill would not finance on the same terms?

6 A. At that time -- he said, at that  
7 time, but he changed it around.

8 Q. So he told you, at the time that  
9 the agreement was signed, that Foothill was  
10 not willing to continue financing on the same  
11 terms?

12 A. It's like that. We are sitting  
13 today, we accept everything, agreement is  
14 finalized. It's like next morning, a month  
15 or so, one year or two years, the person says  
16 there is no -- that we are not going to  
17 provide it, then the terms and conditions are  
18 harder.

19 Q. Do you remember that Foothill made  
20 a proposal shortly after the agreement with  
21 Krigel was signed?

22 A. I don't remember.

23 Q. Do you remember that Foothill made  
24 a proposal, but that the terms were different  
25 than the terms that had been provided to

1 A. If it follows the terms and  
 2 conditions, it was okay, but you cannot make  
 3 day to night and night to day.  
 4  
 5 MR. CARRIGAN: Would you mind if I  
 6 took a quick break?  
 7 (A brief recess is taken.)  
 8 (Exhibit A, Letter to Krigel's,  
 9 marked for identification, as of this  
 10 date.)  
 11 Q. Does ARY own any retail jewelry  
 12 businesses in the United States?  
 13 A. When?  
 14 Q. Presently.  
 15 A. There is one.  
 16 Q. What is the name of that business?  
 17 A. ARY Jewelers.  
 18 Q. Where are the stores?  
 19 A. Store only.  
 20 Q. Where is that located?  
 21 A. In Houston.  
 22 Q. How long has ARY owned that store?  
 23 A. About two or three years.  
 24 Q. And does that sell to the public;  
 25 it's a retail?

1  
 2 A. I will go now and see. It's not  
 3 like America. We have son, a daughter, we  
 4 trust each other. The business goes like  
 5 that.  
 6 Q. Do you have a residence, a personal  
 7 residence in Texas?  
 8 A. My daughter is there.  
 9 Q. How about you personally?  
 10 A. No.  
 11 Q. Did you decide, at some point, that  
 12 Mr. Hussein had agreed to pay too high a  
 13 price for Krigel's?  
 14 A. No, not at all.  
 15 Q. Are you aware that after ARY  
 16 declined to proceed, Krigel's was sold to  
 17 another buyer?  
 18 A. First of all, this word is not  
 19 right. I have never denied for this deal.  
 20 Q. You decided not to proceed with the  
 21 deal, correct?  
 22 A. What was the reason?  
 23 Q. Well, you tell me.  
 24 A. The reason was this: That they  
 25 were not honoring their own commitment. That

1  
 2 A. Yes.  
 3 Q. What sort of items does it sell?  
 4 A. It's jewelry.  
 5 Q. Does it sell watches and rings?  
 6 A. I cannot say anything because it's  
 7 more than a year. I didn't go there as yet.  
 8 Q. Where is ARY Jewelers based; is it  
 9 in Dubai?  
 10 A. Yes.  
 11 Q. What is the address of the store in  
 12 Houston; do you know?  
 13 A. I don't remember the address.  
 14 Q. And you have never been there?  
 15 A. Yes, I went there.  
 16 Q. And you are not familiar with the  
 17 merchandise that it sells?  
 18 A. My daughter is the one who takes  
 19 care of that.  
 20 Q. And what is her name?  
 21 A. Farhana, F-A-R-H-A-N-A.  
 22 Q. Do you see the financial results of  
 23 the store?  
 24 A. No.  
 25 Q. Is the store profitable?

Page 31  
 1  
 2 was the reason.  
 3 Q. Who was not honoring their  
 4 commitment?  
 5 A. It was Krigel, Scott Krigel.  
 6 Q. In what way did Mr. Krigel not  
 7 honor his agreement?  
 8 A. They were to provide financing from  
 9 the bank. The way they were getting that.  
 10 Q. Meaning on the same terms?  
 11 A. Yes.  
 12 Q. And because they did not do that,  
 13 you decided not to proceed?  
 14 A. So who's the culprit now?  
 15 Q. I'm trying to get a yes or no.  
 16 A. That's the reason.  
 17 Q. Have I correctly stated the reason?  
 18 A. It's like that, if I use a curse to  
 19 you and you curse me back.  
 20 Q. Let me see if I can understand what  
 21 you have said. Are you saying that  
 22 Mr. Krigel's obligation was to arrange for  
 23 the bank to provide financing on the same  
 24 terms they had provided previously, and that  
 25 Mr. Krigel failed to arrange for that?

Page 33

9 (Pages 30 to 33)

1 A. Yes.  
 2 Q. And that was a failure to honor his  
 3 commitment?  
 4 A. Yes. Then we decided --  
 5 Q. And because of that you decided not  
 6 to proceed?  
 7 A. Yes.  
 8 Q. At some point in time, were you  
 9 charged with bribery in the courts of  
 10 Pakistan?  
 11 A. No.  
 12 Q. Were you ever charged with any  
 13 criminal offense by the authorities in  
 14 Pakistan?  
 15 A. No, never.  
 16 Q. Were you ever charged with any  
 17 offense by the authorities in Pakistan?  
 18 A. No.  
 19 Q. I have read that you were charged  
 20 with bribing the Bhutto government and  
 21 particularly the Prime Minister's husband.  
 22 A. I have an answer for this.  
 23 Q. I'm not asking whether there's  
 24 merit to the charges, I simply want to know

1 2 importing gold before. I have been importing  
 3 all the time, and even today I'm importing in  
 4 Pakistan.  
 5 Q. With respect, your obligation today  
 6 is to answer my questions, and my question  
 7 very simply is: Were you ever charged by the  
 8 authorities in Pakistan?  
 9 A. What is value of the newspaper?  
 10 It's all nonsense.  
 11 MR. CARRIGAN: Has he personally  
 12 ever had any charges brought? It's a  
 13 yes or no. By and far, these are just  
 14 questions and answers, no explanations.  
 15 THE WITNESS: Yes. Okay.  
 16 Q. Again, have you ever been charged  
 17 by the authorities in Pakistan?  
 18 A. What do you mean by "charged"?  
 19 Q. Have the authorities in Pakistan  
 20 initiated a proceeding --  
 21 A. Until now, nothing happened.  
 22 You're talking about seven years back.  
 23 Nothing happened. There is -- not a hearing  
 24 has been done.  
 25 MR. FISCHLER: I have, in my view,

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 1  
 2 if --  
 3 A. In third world countries like  
 4 Pakistan, these things don't matter at all.  
 5 Q. I didn't ask whether it mattered,  
 6 I'm simply asking if charges were brought.  
 7 A. I was sent as an ambassador from  
 8 the government of Pakistan. If they charge  
 9 me, why they send me? They gave me the honor  
 10 of that.  
 11 Q. I have read in many articles --  
 12 A. You are going by the newspapers?  
 13 Q. Let me pause for a moment to say  
 14 that it would be helpful if you would let me  
 15 finish my question before you begin to speak.  
 16 Thank you.  
 17 I have read in several newspaper  
 18 reports that you were charged with paying a  
 19 ten million dollar bribe in connection with  
 20 obtaining a contract to import gold, or to  
 21 obtain a license to import gold into  
 22 Pakistan. And my question is: Were charges  
 23 of that nature ever brought against you by  
 24 the authorities in Pakistan?  
 25 A. Nothing at all. I have been

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 1  
 2 given the witness ample opportunity --  
 3 MR. CARRIGAN: Can I go talk to  
 4 him?  
 5 MR. FISCHLER: I was going to  
 6 suggest that maybe that would be  
 7 appropriate.  
 8 (A brief recess is taken at 12:15  
 9 p.m.)  
 10 (Back on the record at 12:20 p.m.)  
 11 Q. Having consulted with your counsel,  
 12 do you wish to respond to my earlier  
 13 question?  
 14 A. Yes, exactly. And my answer is  
 15 this: Whatever I was charged for over there,  
 16 I was never arrested, and I'm a resident of  
 17 Pakistan -- No, I'm not a resident of  
 18 Pakistan, I am a resident of UA. And that  
 19 company for which they filed the case, I am  
 20 nothing. I'm no director or anything. And  
 21 they filed the same case in Dubai, and I went  
 22 up to the Supreme Court. That is -- this is  
 23 the fact.  
 24 Q. What were you charged with in  
 25 Pakistan?

1  
2 bearing. I travel back and forth. I am not  
3 on bail, not any kind of restriction on me.  
4 Q. What is the nature of the case that  
5 has no bearing?  
6 A. Which you have read in the  
7 newspaper, I also read in the newspapers.  
8 Legally, I have never been given any kind of  
9 document concerning this.  
10 Q. So it's the case I've read about in  
11 the newspaper that's pending?  
12 A. It's pending in the newspaper only.  
13 Q. Earlier in your testimony you  
14 referred to lawsuits in which ARY has been  
15 involved in the United States related to the  
16 Krigel transaction.  
17 A. Yes.  
18 Q. Do you recall that you submitted  
19 statements in the course of those lawsuits?  
20 A. What do you mean by that?  
21 MR. CARRIGAN: Are you referring to  
22 afterwards?  
23 MR. FISCHLER: I'll just show him  
24 instead of trying to describe it.  
25 (Defendant's Exhibit B, Declaration)

1  
2 in Kansas City named Max Jevinsky?  
3 A. I went there. I can see the name  
4 and then I can tell you.  
5 Q. Do you recall that Mr. Jevinsky was  
6 one of the attorneys for ARY in the lawsuit  
7 in Kansas City?  
8 A. Can I see the paper? Actually, I  
9 don't remember, but if it's a paper, then  
10 it's okay.  
11 Q. After you decided not to proceed  
12 with the Krigel transaction, did you attempt  
13 to buy any other jewelry businesses in the  
14 United States?  
15 A. No.  
16 Q. Why is that?  
17 A. I was disheartened.  
18 Q. Did you conclude that a business  
19 similar to Krigel's would not be sufficiently  
20 profitable for the ARY Group?  
21 A. No -- it was not that matter, but  
22 because these people went for litigation and  
23 everything was just wasted.  
24 Q. After you determined not to accept  
25 financing from Foothill, did you attempt to

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1  
2 of Harvey Razzak, marked for  
3 identification, as of this date.)  
4 Q. I have shown you a document that  
5 has been marked Exhibit B, which appears to  
6 be a declaration that you submitted in one of  
7 the lawsuits in Missouri relating to the  
8 Krigel transaction; do you recognize this  
9 document?  
10 (Witness perusing document.)  
11 A. If it's my signature, then it's  
12 okay.  
13 Q. Are the statements that you make in  
14 this document true?  
15 A. Yes.  
16 Q. Let me show you another document  
17 marked Exhibit A. This appears to be a letter  
18 that you sent to Scott Krigel, dated April 5,  
19 2001. Do you recognize it?  
20 (Witness perusing document.)  
21 A. Yes.  
22 Q. Are the statements in that letter  
23 true?  
24 A. Yes.  
25 Q. Are you familiar with an attorney

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1  
2 obtain financing from any other institution?  
3 A. Scott Krigel did try for that.  
4 Q. And what institution did he attempt  
5 to obtain financing from?  
6 A. I don't remember the name.  
7 Q. Was he able to obtain financing?  
8 A. No.  
9 Q. Do you know why not?  
10 A. He didn't tell me about that.  
11 Q. Did you ever speak with any  
12 representative of the corporate defendant, in  
13 this case, IBJ?  
14 A. I never talk with them.  
15 MR. FISCHLER: Can we break now for  
16 a short lunch?  
17 (A lunch recess is taken.)  
18 A F T E R N O O N S E S S I O N  
19 (Time noted: 2 p.m.)  
20 A B D U L R A Z Z A K, resumed and testified  
21 as follows:  
22 EXAMINATION BY (Cont'd.)  
23 MR. FISCHLER:  
24 Q. Have you had any discussions, that  
25 you can recall, with representatives of